

Martha G. Bronitsky
Chapter 13 Standing Trustee
6140 Stoneridge Mall Rd #250
Pleasanton, CA 94588-4588
(925) 621 - 1900

Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

In re

Kenneth Joseph Hocter
Sherrill Ann Hocter

Chapter 13 Case No. 08-47544-WJL13

debtor(s)

**Trustee's Motion and Declaration to
Dismiss Proceedings and Notice Thereon**

TO DEBTOR(S) AND DEBTOR(S)' ATTORNEY OF RECORD:

Martha G. Bronitsky, Chapter 13 Standing Trustee hereby moves the court for an Order Dismissing these proceedings pursuant to 11 U.S.C. Section 1307(c) upon the grounds that the debtor(s) is in material default for the following reasons:

FAILURE TO SET A HEARING ON THE OBJECTION TO CLAIM 5 OF THE UNITED STATES TREASURE.

NOTICE IS HEREBY GIVEN that debtor or the attorney of record may request a hearing in writing stating specific grounds for objecting to the dismissal of these proceedings to the court and served on the trustee no later than twenty-one (21) days from the date of service of this motion. Trustee will then schedule a hearing date and notice debtor and the attorney of record of said hearing date.

I declare under penalty of perjury that the foregoing is true and correct.

Date: August 22, 2013

/s/ Martha G. Bronitsky

Signature of Martha G. Bronitsky
Chapter 13 Standing Trustee

1 In re

2 Kenneth Joseph Hoyer
3 Sherrill Ann Hoyer

debtor(s)

Chapter 13 Case No. 08-47544-WJL13

4 CERTIFICATE OF SERVICE

5 I HEREBY CERTIFY that I have served a copy of the within and foregoing document on the
6 debtor (s), counsel for debtor (s), and if applicable, the creditor, creditor representatives and the
7 registered agent for the creditor by depositing it in the United States mail with first class
8 postage attached thereto.

9 I declare under penalty of perjury under the laws of the State of California that the foregoing is
10 true and correct.

11 Kenneth Joseph Hoyer
12 Sherrill Ann Hoyer
13 860 Mericrest Street
14 Brentwood,CA 94513

Patrick L Forte Atty
1 Kaiser Plaza #480
Oakland,CA 94612

(Counsel for Debtor)

(Debtor(s))

15 Date: August 22, 2013

/s/ ERNESTO ARTOLA

ERNESTO ARTOLA